

## PATENT COOPERATION TREATY

**PCT****INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

REC'D 08 MAR 2005

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Applicant's or agent's file reference ROWING	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No.  PCT/AU2003/001430	International Filing Date (day/month/year)  31 October 2003	Priority Date (day/month/year)  1 November 2002
International Patent Classification (IPC) or national classification and IPC  Int. Cl. <sup>7</sup> A63B 69/06, G06F 17/40, G01S 5/14		
Applicant M.B.T.L. LIMITED et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 8 April 2004	Date of completion of the report 23 February 2005
Name and mailing address of the IPEA/AU  AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>DALE SIVER</b> Telephone No. (02) 6283 2196

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/001430

**I. Basis of the report**

1. With regard to the elements of the international application:\*

- the international application as originally filed.
- the description,    pages , as originally filed,  
                              pages , filed with the demand,  
                              pages , received on    with the letter of
- the claims,        pages , as originally filed,  
                              pages , as amended (together with any statement) under Article 19,  
                              pages , filed with the demand,  
                              pages , received on    with the letter of
- the drawings,      pages , as originally filed,  
                              pages , filed with the demand,  
                              pages , received on    with the letter of
- the sequence listing part of the description:  
                              pages , as originally filed  
                              pages , filed with the demand  
                              pages , received on    with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  
 the language of publication of the international application (under Rule 48.3(b)).  
 the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority in written form.  
 furnished subsequently to this Authority in computer readable form.  
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4.  The amendments have resulted in the cancellation of:

- the description,    pages  
 the claims,       Nos.  
 the drawings,      sheets/fig.

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 2-5,7-10	YES
	Claims 1,6	NO
Inventive step (IS)	Claims 2-5,8-10	YES
	Claims 1,6,7	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)**

- D1 US 6463385 B1 (FRY) 8 October 2002  
 D2 CA 2305633 A1 (PLAMONDON et al.) 25 October 2001  
 D3 MURAMOTO et al. "Development of small size data logger to observe marine animals" Annual International Conference on Microtechnologies in Medicine and Biology 12-14 December 2000

**Novelty (N) Claim 1,6**

D1 discloses a sports computer which is applicable to on-water sports such as rowing and kayaking (see column 2 lines 45-58). A GPS receiver or a speed sensor are also explicitly disclosed, both of which innately sense movement. The computer controls the acquisition of data from various sources. The physiological sensor may include heart-rate sensor (see column 8 lines 25-41). The sports computer may allow users to monitor their own individual performance or alternatively as a member of a team (see column 7 lines 56 to column 8 line 6). Display (see figures) and downloading (eg by wireless modem see column 7 lines 49-55) are also explicitly disclosed. Since all the features of claim 1 are explicitly disclosed in a single document the claim lacks novelty in light of D1.

Claim 6 (when appended to claim 1) adds the limitation that a heart rate monitor is included as a physiological sensor. Claim 6 lacks novelty in light of D1 taken alone.

**Inventive step (IS) Claims 1,6,7**

Claim 7 adds (to claim 1) the limitation that the movement sensor is an accelerometer (D3 discloses attaching an accelerometer to observe marine animals) and the GPS receiver. D3 further discloses using the accelerometer with a micro data logger to analyse the performance of the marine animal. When D1 (which discloses use of a GPS receiver) is combined with D3 claim 7 lacks an inventive step. Claim 6 lacks an inventive step when D3 is combined with D1.

D2 discloses an on-water data logger (eg. for sailing) for post-competition analysis. When D2 is combined with D1 claim 1 lacks an inventive step. D2 discloses use of GPS receiver for tracking the movements of the competitor during the activity (eg. speed, distance and times).

**Industrial applicability (IA)**

The application has an industrial application (eg. as a data logger for water sports).